

A-6818
Variance Request

Replace an existing four (4) foot high fence located along the front (Brookville Road) property line with a six (6) foot high fence of the same style measuring fifty (50) feet in length beginning at the north property line and connecting with an existing six (6) foot high fence. The proposed fence would be parallel to and located six (6) inches at its closest point from the edge of the public sidewalk (along Brookville Road).

Mr. Richard C. White &
Ms. Lisa McHenry White
101 Primrose Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
OCTOBER 12, 2015 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 10/8/2015
SUBJECT: HEARING OF CASE NO. A-6818 VARIANCE REQUEST
MR. RICHARD C. WHITE AND MS. LISA MCHENRY WHITE; 101 PRIMROSE STREET
REPLACE AN EXISTING FOUR (4) FOOT HIGH FENCE LOCATED ALONG THE FRONT
(BROOKVILLE ROAD) PROPERTY LINE WITH A SIX (6) FOOT HIGH FENCE OF THE SAME
STYLE MEASURING FIFTY (50) FEET IN LENGTH BEGINNING AT THE NORTH PROPERTY
LINE AND CONNECTING WITH AN EXISTING SIX (6) FOOT HIGH FENCE. THE PROPOSED
FENCE WOULD BE PARALLEL TO AND LOCATED SIX (6) INCHES AT ITS CLOSEST POINT
FROM THE EDGE OF THE PUBLIC SIDEWALK (ALONG BROOKVILLE ROAD).

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 8-21 states:

- (a) Location. No person shall install any tree trunk, hedge, shrubbery, fence, wall, lamp post or hand rail on private property within three (3) feet of a public sidewalk, or if there is no public sidewalk in the public right-of-way abutting the private property, within six (6) feet of the curb, or if there is no public sidewalk and no curb, within six (6) feet of the nearest edge of the street or alley.
- (e) Fence and wall height in front yard. No person shall construct any fence or wall which exceeds forty-eight (48) inches in height at any location between the front lot line and the front building restriction line.

APPLICABLE COVENANTS:

Not applicable; verification of compliance with the property's covenants is not required for variance requests authorized by Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Code.

FACTUAL AND BACKGROUND INFORMATION:

The Property is located on the northeast corner of the intersection of Primrose Street and Brookville Road.

The proposed fence, which would replace an existing fence measuring four feet in height, would extend from an existing fence post at the north end of the property to a fence post approximately fifty feet to the south and be located the same proximity to the sidewalk as the existing four foot fence.

The portions of the fence located alongside the Brookville Road property line which currently measure six feet in height could be replaced administratively, pursuant to Sec. 8-21(f), however since this application is a request to increase in height beyond forty-eight (48) inches, a variance is required.



Figure 1: Looking toward the northeast from Brookville Road. The proposed fence would be raised to six feet in height in the same location as the portion indicated above.



Figure 2: Looking southeast at the location of the proposed fence.

To date there has been one email (included in the application materials) received from Ms. Sarah Brodsky-Miller, of 105 Primrose Street (the abutting property to the east) in support of the application; no other correspondence has been received either in support of or in opposition to the request.

There are no tree protection concerns related to the expansion of the installation of the fencing.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300. Total: \$330.00

RELEVANT PRIOR CASES

Regarding the request for a variance from the forty-eight inch height requirement:

There have been many variances granted for fences measuring greater than four (4) feet in height forward of the 25' front BRL that abut major roadways (such as Western Avenue; Connecticut Avenue and Brookville Road) and/or are located at corner properties with front doors on the side streets so that the fences enclose what is effectively the side yard (ex: 21 East Melrose Street or 209 Primrose Street). That is similar to this application; the front door of the dwelling is located on Primrose Street.

Specific to Brookville Road, the following requests have been approved: In 1996 Mr. and Mrs. Daniel Korengold of 101 East Melrose Street were **granted** a variance to construct a fence measuring six (6) feet in height in the front (Brookville Road) yard; also in 1996 Mr. and Mrs. Thomas Lamia of 10 East Kirke Street were **granted** a variance to construct a fence measuring six and one-half (6 ½) feet in height in the front (Brookville Road) yard of the property; in June 1998 Mr. and Mrs. Thomas Carroll of 11 East Irving Street were **granted** a variance to construct a fence measuring five and one-half (5 ½) feet in height in the front (Brookville Road) yard of the property; in May 2010 Mr. and Mrs. Antonio Adelfio were **granted** a variance to construct a wood stockade fence measuring a maximum of six (6) feet in height in the front (Brookville Road) yard of the property; in May 2010 Ms. Ashley Wiltshire of 26 Oxford Street was **granted** a variance to construct a wood board fence measuring six and one-half (6 ½) feet in height in the front (Brookville Road) yard of the property; in May 2010 Mr. and Mrs. Rob Nichols of East Melrose Street were **granted** a variance to construct a wood board fence measuring six and one-half (6 ½) feet in height in the front (Brookville Road) yard of the property;

Other relevant cases: In September 2014, Mr. & Mrs. Michael Hoffman were **granted** a variance to install a fence measuring six and one-half (6 ½) feet in height forward of the front BRL and located twelve (12)

inches from the alley abutting the property; in May 2011 Ms. Kara Bombaugh and Mr. Thomas Southard were **granted** a variance to construct a wrought iron fence measuring six (6) feet in height in the front (Kirkside Drive) yard of the property forward of the front BRL; in December 2010 Mr. and Mrs. Greg Dixon of 5500 Montgomery Street were **granted** a variance to construct a fence measuring six and one-half (6 ½) feet in height in the front (Belmont Avenue extended) yard of the property; in 2009, Mr. & Mrs. Gregory Ossi of 209 Primrose Street were **granted** a variance to construct a fence measuring six (6) feet in height forward of the Western Avenue front building restriction line between the southern corner of an existing porch and the front lot line and, as well, along the northeast property line between the Western Avenue front lot line and the front building restriction line; in May 2008 Mr. and Mrs. Michael Goldin of 6108 Western Avenue were **granted** a variance to **replace** a chain link fence with a fence consisting of six (6) foot masonry piers interspersed with a four-foot masonry wall topped by a two-foot iron fence along the front (Nevada Avenue) property line as well as a wood fence measuring six (6) feet in height between the front (Nevada Avenue) BRL and the front (Nevada Avenue) property line; in 2007 Mr. and Mrs. Paul Warren were **granted** a variance to replace a picket fence measuring forty-two (42) inches in height with a solid board wood fence measuring five (5) feet in height between the Broad Branch Road front lot line and the twenty-five (25) foot front BRL; in 2006 Mr. and Mrs. Robert Fossi were **granted** a variance to install a wrought iron fence measuring six and one-half (6 ½) feet in height in the front (Cedar Parkway) yard; in 2005 Middleburg Associates was **granted** a variance to install a fence measuring six and one-half (6 ½) feet in height along the northwest property line between the Grove Street Extended front property line and the twenty-five (25) foot front BRL at 5406 Grove Street; in 2005 Mr. and Mrs. B. Francis Saul of 1 Quincy Street were **granted** a variance to install a fence measuring six (6) feet in height along the property line abutting Quincy Street; in 2004 Mr. and Mrs. Peter James of 208 Primrose Street were **granted** a variance to replace a four (4) foot chain link fence with a solid board fence measuring six (6) feet in height along the southwest Western Avenue) property line; in 2002 Mr. and Mrs. Ronald Shapiro of 5620 Grove Street were **granted** a variance to **replace** a five (5) foot fence with a fence measuring six and one-half (6 ½) feet in height between the twenty-five (25) foot front BRL and the front (Oliver Street) property line; in 2001 Mr.

and Mrs. William Shearer of 113 Summerfield Road were **granted** a variance to replace a hedge with a fence measuring six (6) feet in height between the front (Western Avenue) lot line and the front BRL; in 1996 Ms. Muriel Threfall of 1 East Melrose Street was **granted** a variance to construct a wood fence measuring six (6) feet in height in the front (Connecticut Avenue) yard. In 1996 Mr. and Mrs. Robert Martuza of 111 Newlands Street were **granted** a variance to construct a wood height measuring six (6) feet in height in the front (Broad Branch Road) yard;

Other cases (on less highly trafficked streets) include: In 2001 Mr. and Mrs. Ronald Shapiro of 5620 Grove Street were **granted** a variance to **replace** a five (5) foot fence with a fence measuring six and one-half ($6\frac{1}{2}$) feet in height between the twenty-five (25) foot front BRL and the front (Oliver Street) property line. In 2006 Mr. and Mrs. Robert Fossi were **granted** a variance to install a wrought iron fence measuring six and one-half ($6\frac{1}{2}$) feet in height in the front (Cedar Parkway) yard (that fence was never installed). In 2011 Dr. & Mrs. Lawrence Heilman were granted a variance to replace a fence measuring six feet in height and located twenty-one inches from the Cedar Parkway public sidewalk.

Denials: Of the requests for variances for fences in excess of the allowable four (4) foot height in front yards, applications which were **denied** tended to be at properties that were not located on busy streets and/or were located mid-block. For instance, in 1999 Mr. and Mrs. Christopher Knopes of 5804 Cedar Parkway were **denied** a variance to **construct** a fence measuring five and one-half ($5\frac{1}{2}$) feet in height in the front (Hesketh) Street yard (parallel to the sidewalk). In 2000 Ms. Catherine Cotter and Mr. John Finneran of 16 Magnolia Parkway were **denied** a variance to **install** a wood picket fence measuring four and one-half ($4\frac{1}{2}$) feet in height in the front (West Irving Street) yard (parallel to the sidewalk); in 2001 Mr. & Mrs. Michael Denger **withdrew** a request to replace a six foot stockade fence, a portion of which was located forward of the 25' front (Grafton Street) BRL; in 2003 Mr. Clarke Camper of 6 Primrose Street **withdrew** a request to install a fence measuring six (6) feet in height along the west (side) property line and extending eleven (11) feet forward of the 25' front BRL.

The provision regulating distance of a fence on private property from public sidewalks and alleys was enacted in 2008; prior to that no minimum setback was specified in the Code. In September 2014 Mr. & Mrs. Michael Hoffman were **granted** a variance to install a fence which would be located twelve (12) inches from the alley abutting their property. In September 2015 Mr. & Mrs. William Bray, III of 104 Oxford Street were **granted** a variance to install a fence measuring four feet in height which would be located as close as eleven (11) inches to the public sidewalk and twenty-one (21) inches from an alley abutting the property to the south. In that case the request was based on the proposed fence aligning with an existing fence and extending across a driveway which had recently been removed and then to return to and terminate at the house, to enclose the yard.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of [the Village Building Code] would result in an unwarranted hardship and injustice to the owner;
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property [thus not applicable in this case].

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6818 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 12th day of October, 2015 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6818
MR. RICHARD C. WHITE & MS. LISA MCHENRY WHITE
101 PRIMROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to replace an existing four (4) foot high fence located along the front (Brookville Road) property line with a six (6) foot high fence of the same style measuring fifty (50) feet in length beginning at the north property line and connecting with an existing six (6) foot high fence. The proposed fence would be parallel to and located six (6) inches at its closest point from the edge of the public sidewalk (along Brookville Road).

Sec. 8-21 Installation and maintenance of fences, walls, trees, hedges, shrubbery, lamp posts, hand rails and arbors.

(a) Location. No person shall install any tree trunk, hedge, shrubbery, fence, wall, lamp post or hand rail on private property within three (3) feet of a public sidewalk, or if there is no public sidewalk in the public right-of-way abutting the private property, within six (6) feet of the curb, or if there is no public sidewalk and no curb, within six (6) feet of the nearest edge of the street or alley.

(e) Fence and wall height in front yard. No person shall construct any fence or wall which exceeds forty-eight (48) inches in height at any location between the front lot line and the front building restriction line.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 1st day of October, 2015.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

CHEVY CHASE VILLAGE

ESTABLISHED 1890

October 1, 2015

Mr. & Mrs. Richard White
101 Primrose Street
Chevy Chase, MD 20815

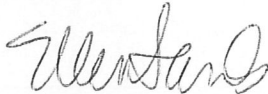
Dear Mr. & Mrs. White:

Please note that your request for a variance to raise the height of the fence in the Brookville Road (front) yard at your property is scheduled before the Board of Managers on Monday, October 12, 2015 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

BOARD OF MANAGERS

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Chair

ELISSA A. LEONARD
Vice Chair

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Assistant Secretary

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ROBERT C. GOODWIN, JR.
Assistant Treasurer

MINH LE
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

MAILING LIST FOR APPEAL A-6818

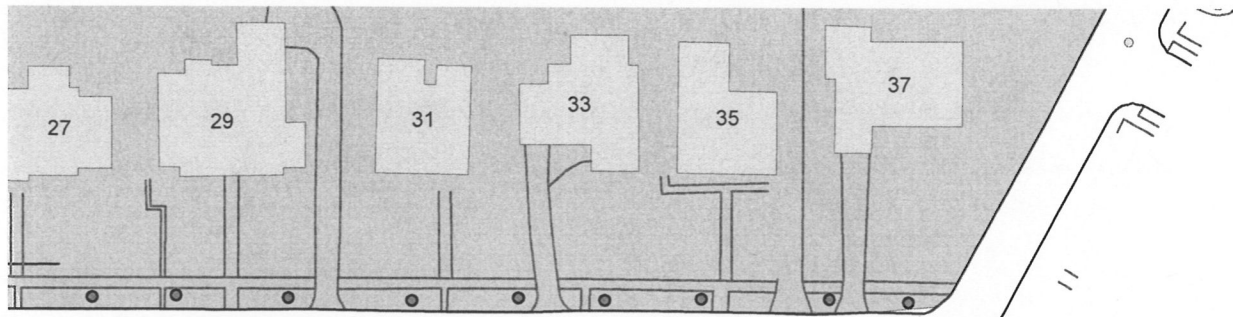
MR. RICHARD C. WHITE & MS. LISA MCHENRY WHITE
101 PRIMROSE STREET
CHEVY CHASE, MD 20815

| Adjoining and confronting property owners | |
|---|---|
| Ms. Ruth J. Katz Or Current Resident 29 Primrose Street Chevy Chase, MD 20815 | Mr. & Mrs. Bruce R. Baschuk Or Current Resident 36 Primrose Street Chevy Chase, MD 20815 |
| Mr. & Mrs. Roland Miller Or Current Resident 105 Primrose Street Chevy Chase, MD 20815 | Mr. & Mrs. William Mills Or Current Resident 100 Primrose Street Chevy Chase, MD 20815 |
| Mr. & Mrs. Thomas K. Bourke Or Current Resident 36 Quincy Street Chevy Chase, MD 20815 | |

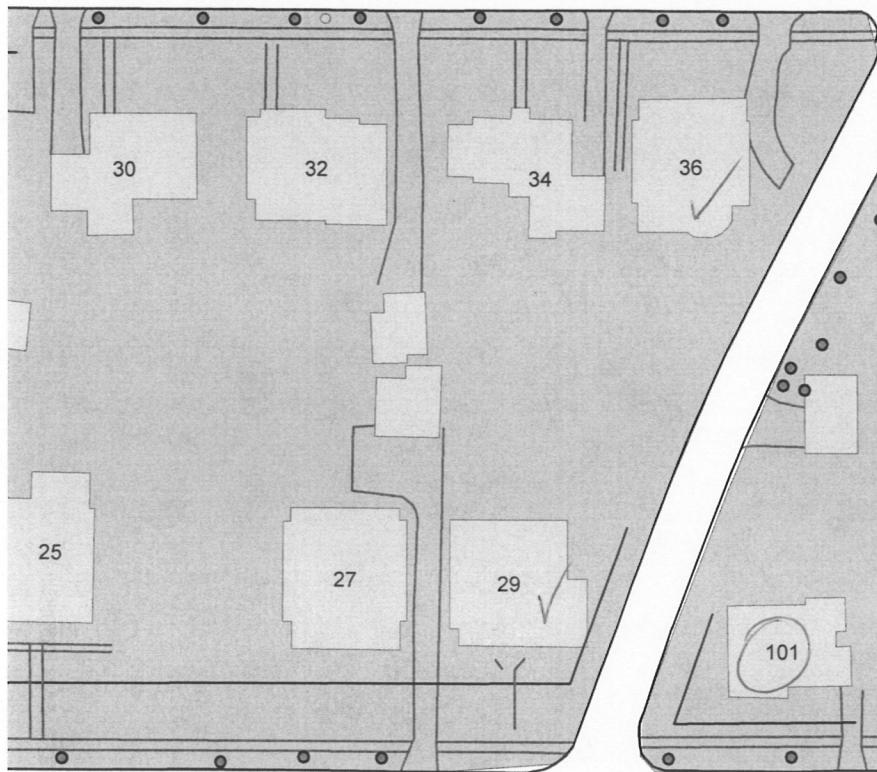


I hereby certify that a public notice was mailed (and emailed where possible) to the
aforementioned property owners on the 1st day of October 2015.

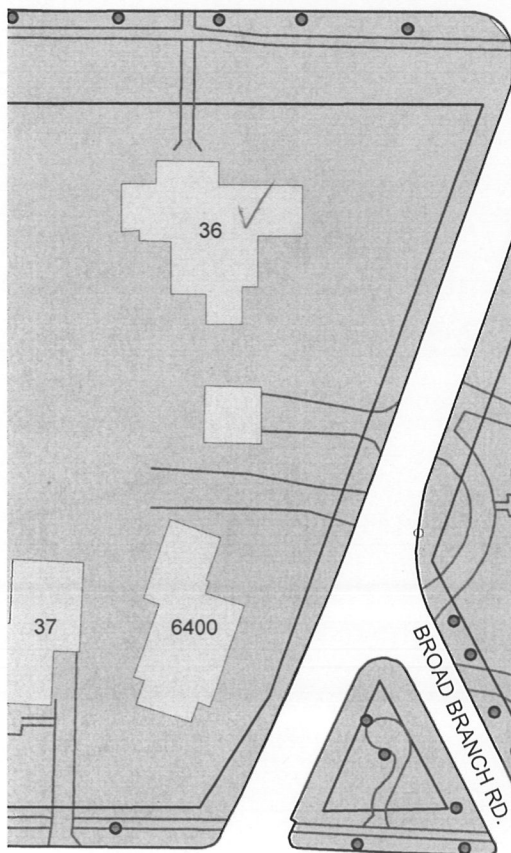
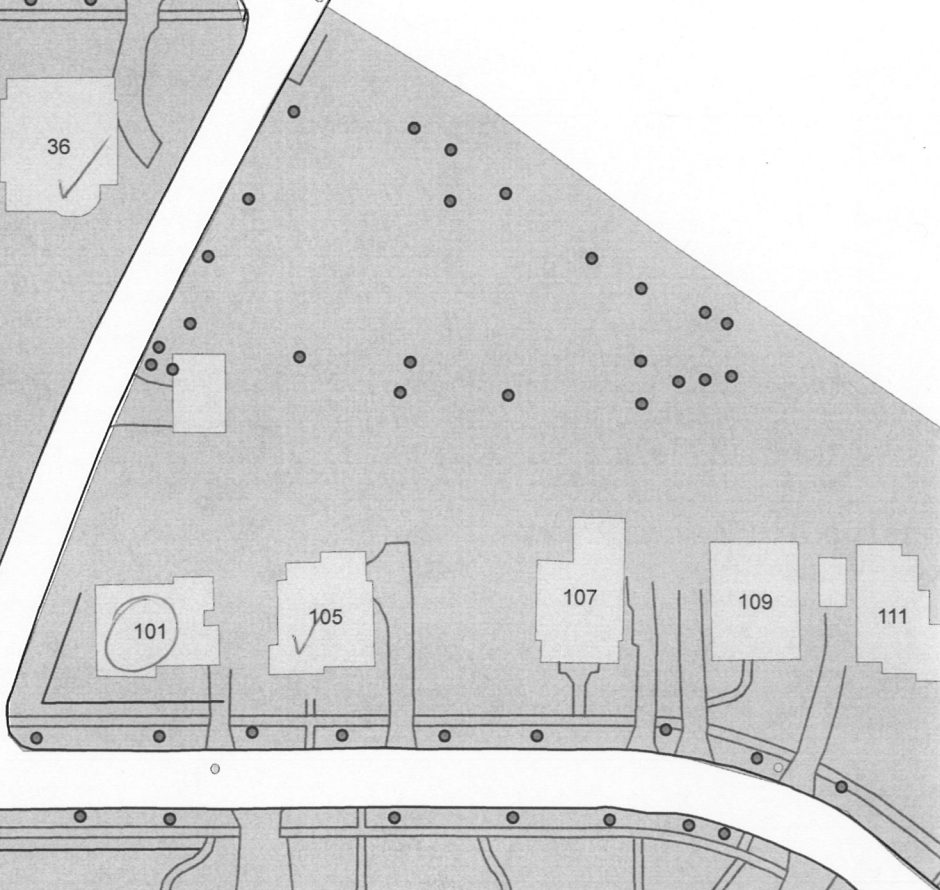
Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815



QUINCY ST.



PRIMROSE ST.



BROOKVILLE RD.

BROAD BRANCH RD.



OXFORD ST.

OXFORD ST.

Chevy Chase Village

Application for a Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

| | |
|---|----------------------------|
| Subject Property: 101 Primrose St. | |
| Describe the Proposed Project: to raise 50 feet of current fence to 6 foot height | |
| Applicant Name(s) (List all property owners): Richard + Lisa White | |
| Daytime telephone: 202-329-9972 | Cell: 202-365-4921 |
| E-mail: lisa@lmwhite.com | |
| Address (if different from property address): | |
| For Village staff use: | |
| Date this form received: 9/11/15 | Variance No: A-6818 |

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ Completed Chevy Chase Village Website Posting Notice
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: _____

Date: _____

Applicant's Signature: _____

Date: _____

Describe the basis for the variance request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

see attached

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

see attached

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

see attached

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

| | |
|--|--|
| Variance Filing Fee <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: \$300.00 | Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: 9/11/15 Staff Signature: [Signature] Approved to Issue Building Permit per Board Decision Signed by the Board Secretary. Signature: _____ Village Manager Date: _____ |
|--|--|

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc) and how the property compares to other properties in the Village:

Our house, 101 Primrose Street, sits on the corner of Primrose Street and Brookville Road. Although our front door faces Brookville Road, the house is situated on the lot so that, for effective purposes, we use the Primrose Street frontage as our front yard and the Brookville Road frontage as our back yard. We currently have a 6-foot fence of approximately 54 feet directly in front of our front door on Brookville Road. The rest of our frontage on Brookville Road, which is used as our backyard, has a 4-foot fence of approximately 50 feet long. In comparison, the two properties across Brookville from us on the corner of Primrose Street have 6-foot fences running along their frontage to Brookville Road that they use as their backyards.

Describe how enforcement of the building regulations would result in an unwarranted and injustice because of the special conditions described above.

Due to the fact that our children and dog play in the stretch of our yard along Brookville Road (effectively our backyard) and the busy traffic along Brookville Road, we believe it creates a hardship for us not to have a 6-foot fence along this frontage as many of our neighbors do. Our children have been approached by pedestrians walking along the sidewalk when they are outside playing and even accosted by one pedestrian who was startled by our dog. We have a 20-pound golden-doodle who is territorial and often jumps and barks at the fence when pedestrians walk by. We believe that a 6-foot fence will help not only us, but also our neighbors who use the sidewalk alongside our Brookville frontage. Chief Fitzgerald has had two complaints (one a pedestrian in the neighborhood and the other a dog-walker) about being startled by our dog as he jumps at the 4-foot high fence. He assured me that we are well within the law to have our dog outside, but agreed with us that a 6-foot fence would be a good solution for the neighborhood.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled Buildings and Building Regulations.

This proposed variance most nearly accomplishes the intent and purpose of the requirements of the Village code for the following reasons:

1. The proposed 6-foot fence will not adversely change the character of the property because there is already a longer 6-foot fence in place directly in front of our house. It will improve the aesthetics of the property as it will make our fencing along Brookville Road a uniform height.
2. The proposed 6-foot fence will solve unsafe conditions. It will keep our dog from startling and bothering pedestrians on Brookville Rd. and will keep my children safe from strangers talking to them over the fence.
3. The proposed 6-foot fence will not block any current vistas.

4. The proposed 6-foot fence will not adversely affect our neighbor's use and enjoyment of their property. In fact, many of our neighbors already have 6-foot fencing along their Brookville Rd. backyards. To reiterate, we believe this proposed fencing will improve our neighbors use of the Brookville sidewalk.
5. The proposed-6 foot fence would not decrease green space as we hope to merely raise a fence that is already in existence.

Landtech Associates Inc.

10260 Old Columbia Road Rivers Center-Suite J
Columbia, MD 21046

Phone: 410-290-8099 Fax: 410-290-8299

NOTE: NOT TO BE USED FOR ISSUANCE OF PERMITS



| | | |
|--------------------------|-------------------------|-----------------|
| Location Survey of: | LOT: Pts. 2 & 3 | BLOCK: "A" |
| #101 Primrose Street | PLAT BK: 1 | PLAT #: 42 |
| Sonnenmann's Addition to | DATE: 12-30-13 | SCALE: 1" = 20' |
| Chevy Chase | CASE NUMBER: S-9237 | |
| Montgomery Co., MD | FILE NUMBER: LT-2132292 | |

NOTES:

1. This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements.
3. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Property line survey recommended to determine the exact location of improvements and/or encroachments, if any.
5. Property subject to any/all rights-of-way, easements, and/or covenants of record and/or imposed by law.
6. This plat is not to be used for the issuance of permits.
7. No title report furnished.

CERTIFICATION: I hereby certify that the position of the significant visible improvements on the above described property has been carefully established in compliance with the "Minimum Standards of Practice" for the State of Maryland.

License Expires: 3 / 28 / 2014

Graden A. Rogers
GRADEN A. ROGERS - M.D. PROP. L.S. LIC. NO. 119

CCV Permitting

From: Sarah Brodsky Miller [sarahbrodsky@gmail.com]
Sent: Wednesday, October 07, 2015 10:46 AM
To: CCV Permitting
Cc: Lisa White; Rich White
Subject: Re: 101 Primrose Street variance request

Hi Ellen- As the White's direct next door neighbor, prior to the Board's hearing, we would like to send a letter supporting the White's request for a variance in order to install a new fence along the sidewalk on east side Brookville Road.

Thanks,

Sarah

Sarah Brodsky Miller

TTR Sotheby's

202.251.5157

Sent from my iPhone

On Oct 1, 2015, at 12:22 PM, CCV Permitting <ccvpermitting@montgomerycountymd.gov> wrote:

To neighbors of 101 Primrose Street:

You are receiving the attached notice because you are an abutting or confronting property owner to applicants requesting an appeal to the Board of Managers at the above referenced property. In addition to hard copies mailed today, we are now sending notices for upcoming Board appeal requests via email, when possible. The materials will be on the Village web site this afternoon for your review. Please contact me if you have any questions. Thank you,

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
Tele. 301-654-7300
FAX 301-907-9721

ccvpermitting@montgomerycountymd.gov
www.chevychasevillagemd.gov

<image001.jpg>

<Notice 6818.pdf>

Chevy Chase Village
Building Permit Application
for Fences & Walls

Permit No: A 6818

| | |
|---|--|
| Property Address: <u>101 Primrose Street</u> | |
| Resident Name: <u>Lisa and Richard White</u> Daytime telephone: <u>202-329-9972</u> Cell phone: <u>202-329-9972</u> After-hours telephone: <u>301-654-1018 (home)</u> E-mail: <u>lisa@lmwhite.com</u> | |
| Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required): <u>8807</u> | |
| Primary Contact Information: Name: <u>Lisa White</u> Daytime telephone: <u>202-329-9972</u> After-hours telephone: <u>same</u> E-mail: <u>lisa@lmwhite.com</u> | |
| Description of Fence or Wall Project: <u>to raise part of fence to 6 feet.</u> | |
| Check appropriate box: <input checked="" type="checkbox"/> Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind. <input type="checkbox"/> Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location. | |
| Parking Compliance: Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| To be completed by Village staff: Is this property within the historic district? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Staff Initials: <u>CB</u> Date application filed with Village: <u>9/8/15</u> Date permit issued: _____ Expiration date: _____ | |

Guidelines for Building, Replacing and Maintaining Fences and Walls

Sec. 8-21 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission, if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four (4) feet in height.
2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one-half (6 ½) feet in height.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6 ½ feet high, then a cap on that post would exceed the height limit.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which may be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four (4) feet in height.

Fences and walls must be installed at least three (3) feet from the public sidewalk, or where there is no sidewalk, at least six (6) feet from the curb or nearest edge of the street or alley.

Special height limits apply to fences near an intersection on corner lots. The Village office will not be issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

For complete Village Code requirements, please see Chapters 8 & 25.

**Building Permit Application for Fences and/or Walls:
Filing Requirements**

Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application).
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Wra White **Date:** 9/8/15

| | |
|-----------------------------------|--|
| For Use By Village Manager | Application approved with the following conditions: |
| | |
| | |
| | |
| | |
| For Use By Village Manager | Application denied for the following reasons: |
| | <i>Thence Deck</i> |
| | <i>fence exceeds maximum</i> |
| | <i>height and encroaches</i> |
| | <i>into the setback for sidewalks.</i> |

DENIED

SEP 23 2015

Chevy Chase
Village Manager

| | |
|---|--|
| Filing Fees (due when application submitted) | Checks Payable to: <div style="text-align: right;"> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 </div> |
| Permit Application Fee: <input checked="" type="checkbox"/> \$30.00 (if fence or wall is new, enlarged or replaced with different kind) <input type="checkbox"/> \$15.00 (if fence or wall is being replaced in-kind and in the same location) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way) | <div style="text-align: right;"> Date: <i>9/8/15</i> Staff Signature: <i>[Signature]</i> </div> |
| Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project | |
| TOTAL Fees: <div style="text-align: right; font-size: 1.2em;"><i>\$30.00</i></div> | |
| Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager | Date: Village Manager Signature: |

For Village Staff use:

Field file for inspections by Code Enforcement Officer has been created: ☐ Yes (Date: _____)

Chevy Chase Village

Website Posting Notice

for Appeal, Special Permit & Variance Hearings

Case Number:

A-688 a+b

Hearing Date:

10/12/15

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name:

Richard / Lisa White

Address:

101 Primrose St.

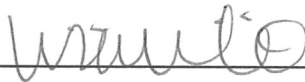
Telephone:

202-329-9972

E-mail:

lisa@lmwhite.com

Applicant/Appellant Signature:



Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials:

ES

Date:

9/27/15